

REMARKS

Claims 1-21 and 30-37 constitute the pending claims in the present application. Claims 2-5, 8, and 30-37 are withdrawn from consideration. Applicants respectfully request reconsideration in view of the following remarks. Issues raised by the Examiner will be addressed below in the order they appear in the prior Office Action.

Claim objection. Claim 21 is objected to because it is a claim that is multiply dependent on a multiply dependent claim. Claim 21 has been amended such that it is dependent only on claim 1, thereby rendering this objection moot. Applicants respectfully request reconsideration and withdrawal of this objection.

Rejection based on 35 U.S.C. 103(a). Claims 1, 6, 7, and 9-21 are rejected under 35 U.S.C. 103(a) as being unpatentable in view of Roifman (WO 01/79158). Applicants traverse this rejection.

The Office Action states that Roifman teaches compounds of Formula II which are inhibitors of abnormal cell proliferation. The Office Action further states that Roifman teaches compounds of formula (II) which encompasses the instantly elected compound; however Roifman fails to provide an example of the instantly elected compound.

Pursuant to MPEP 2142, “To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicants' disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).”

Applicants have amended claim 1 such that at least one of R¹, R², and R³ is selected from C₁₋₆alkylCO₂, C₁₋₆alkyl(C=O)NH, or C₁₋₆alkyl(C=O)N(C₁₋₆alkyl); or R¹ and R² together represent O-C₁₋₆alkyl-O, thereby forming a ring. Applicants assert that the claims as amended exclude the teachings of Roifman since Roifman does not teach or suggest compounds where R¹, R², and R³ may be C₁₋₆alkylCO₂, C₁₋₆alkyl(C=O)NH, or C₁₋₆alkyl(C=O)N(C₁₋₆alkyl) or compounds where R¹ and R² together represent O-C₁₋₆alkyl-O, thereby forming a ring. Applicants therefore assert that Roifman does not teach or suggest all of the elements of the claims. Similarly, Applicants assert that Roifman does not provide a suggestion or motivation to modify the compounds to arrive at the compounds recited in claim 1 as amended. Applicants respectfully request reconsideration and withdrawal of this rejection.

In view of the foregoing amendments and remarks, Applicants submit that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited. Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. 105769-0007-104 from which the undersigned is authorized to draw.

Dated: July 10, 2008

Respectfully submitted,

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